

REPORT OF PROCEEDINGS BEFORE

SELECT COMMITTEE

NOTICE OF PUBLIC FORUM

**INQUIRY INTO KOORAGANG ISLAND ORICA CHEMICAL
LEAK**

At Stockton on Monday 14 November 2011

The Committee met at 5.30 p.m.

PRESENT

The Hon. Robert Borsak (Chair)

The Hon. Cate Faehrmann

The Hon. Luke Foley

The Hon. Trevor Khan

The Hon. Matthew Mason-Cox

The Hon. Melinda Pavey

The Hon. Adam Searle

CHAIR: On behalf of the Select Committee on the Kooragang Island Chemical Leak I welcome you all tonight to this forum. Thank you to all of you who have come here tonight to participate in the parliamentary process. This Committee has been set up by the Upper House of NSW Parliament to look into the chemical leak that occurred at the Orica plant on 8 August this year and the response by both Orica and the Government to that.

We know there is a high level of community concern about the Orica plant and the leak that occurred in August. Tonight is all about giving you the opportunity to tell us what you think about what happened. It is not about us talking to you or talking at you. It is about you telling us what you think and the experiences that you had in relation to this and your community. We are here to learn how this incident has affected you and your families and what you think about how Orica and the government has handled the incident.

Before we begin I would like to tell you a bit about how this inquiry process works. Our committee has seven members. My colleagues here are members of the Liberal Party, the Nationals, the Australian Labor Party, The Greens and I myself am a member of The Shooters and Fishers Party. So you can see we bring a diverse set of perspectives to this important issue. If we get to the end of the list before your time is up, and we have allowed ourselves two hours tonight to go through this process, then we will accept speakers from the floor. But you will need to come up to the lectern and speak only for five minutes and all speakers will be limited to five minutes.

I would like to stress that although this is a public forum we will not be allowing comments from the floor. We warmly welcome audience members to today's proceedings but will not allow anyone to disrupt the proceedings.

I need to remind all speakers of the gravity of tonight's proceedings. The opportunity to participate in the formal parliamentary process also brings with it some responsibilities. You must speak truthfully and only address the matters that fall within the terms of reference of the Committee. I also remind speakers that the forum is not intended to provide an opportunity to make adverse reflections about specific individuals. Speakers are asked to avoid making critical comments about specific individuals and instead speak about the general issues of concern.

In addition, parliamentary privilege does not apply to what the speakers may say outside of this forum. Therefore witnesses should be cautious about any comments to the media and others after they finish addressing the Committee. I also remind the media that the Committee has authorised the reporting of tonight's proceedings and your reporting of what is said during the forum is protected as with any other parliamentary proceedings but you must take responsibility for how you report it.

Only members of the Committee and people making public statements may be filmed or recorded. People in the audience should not be filmed or included in the broadcast.

Can everybody please make sure they turn their mobile phones off or put them to silent.

What we will do now is speakers will be brought forward. They have five minutes to address the Committee from the rostrum that is front of us.

We will start with first participant and that is Councillor Michael Osborne, councillor of Newcastle City Council.

Mr OSBORNE: Thank you, sir. Firstly, I would like to acknowledge the traditional country of

the Worimi people's. I recognise and respect their cultural heritage, beliefs and continuing relationship with the land and that they are proud survivors of more than 200 years of dispossession. I reiterate Newcastle City Council's commitment to address this disadvantage and obtain justice for Aboriginal and Torres Strait Islander people of this community.

Given the limited speaking time I will not elaborate on the very real concerns about the tardy communications between Orica and the regulatory authorities or the tardy communication between the regulatory authorities and Newcastle City Council or the tardy communication with local residents or the local councillors who represent them. I am sure the Committee is aware of these issues. I also will not have time to elaborate on an interim proper emergency response plan between Kooragang Island industrial area and the need to properly engage with the community, which is all residents throughout Kooragang Island. It is important that all residents, not just those affected by whichever way the wind is blowing, are engaged.

There are considerable concern during and after the August Orica pollution incident from residents who do not live in Stockton. This is understandable. Within four kilometres of the Orica explosive plant the Newcastle suburbs of Stockton but also Carrington, Wickham, Maryville, Islington, Tighes Hill, Mayfield East, Mayfield North, most of Mayfield, Mayfield West, also the suburbs of Newcastle East, The Hill, most of Cooks Hill, Newcastle West, Hamilton East, most of Hamilton, part of North Hamilton and Georgetown. And all up the homes of more than 44,000 Newcastle residents are within four kilometres of the Orica explosive plant.

The concerns of all these residents need to be taken into account in any emergency response. Three issues that are highlighted by the Orica pollution incidents that I would draw to the Committee's attention are the inadequacies of the current pollution licensing regime, the need for an independent and properly funded environment protection agency and, the elephant in the room, the desperate need for proper planning for the port of Newcastle.

The people of Newcastle have been let down by the management of Orica. The Orica plant is old, inadequately managed, inappropriately located and should be shut down and relocated. The people of Newcastle have also been let down by successive State governments who have eroded the independence of the EPA and starved it of the necessary funds to protect the environment and the residents that live near these polluting facilities. The EPA should be made independent again and properly funded and resourced in order to enforce and oversee preventative action mechanisms that ensure breaches like those at Orica do not occur in the first place. These preventative mechanisms must include regular audits so that we do not get to the situation we have at the Orica plant in Kooragang where they breach and breach and breach their licence conditions with little action from the regulators as the physical infrastructure ages and degrades and management systems lie idly by or are non-existent.

The EPA needs to be responsible for a regionally coordinated fair monitoring system that covers all the residential areas around Kooragang Island. This system should include dust monitoring, equipment to measure fine particles, PM2.5, and this monitoring data should be available to the Newcastle community and Newcastle City Council has unanimously supported this.

The current pollution licensing regimes need to be dramatically improved. The onus of proof needs to be on the polluting industry to show that their pollution will not harm the environment or nearby residents. The protection of the environment legislation needs to be about the protection of the environment and the local residents, not about the protection of the polluting industries. If you break the road rules you get an immediate fine from the police and you lose points on your licence. For most of us if we lose 13 points, we lose our licence. That should happen for the so-called pollution licences. More

than 130 breaches of Orica's licence in a ten-year period is totally unacceptable.

The recently revealed, regularly occurring, fugitive-pollution emissions is totally unacceptable. Orica should lose their licence to pollute and be shut down. Enough is enough.

CHAIR: Ms Vicki Warwyck, Stockton resident.

Ms WARWYCK: My name is Vicki Warwyck and I am a resident of Stockton. I would like to thank the members of the Legislative Council for taking the time to hear the community's concerns regarding the incident on Kooragang Island on 8 August 2011.

I would like to address several issues in my speech today. Firstly, I believe that it would be appropriate to establish a State health register whereby any person who feels that they have been affected in some way by industrial incidents, such as the ones that occurred at Orica, could have their location at the time of the incident and any health effects and concerns recorded. A person's records on such a register should be kept indefinitely in the event that they suffer complications or illnesses in the future due to exposure to toxic materials.

Secondly, given the ongoing risk that our community faces from toxic and explosive chemicals manufactured and/or stored at Kooragang Island, I propose that a fully manned and permanently staffed New South Wales Fire and Rescue Light HAZMAT Unit be stationed at Kooragang Island.

Thirdly, I would like to address the risk that the ammonium nitrate plant on Kooragang Island poses to the community in relation to being a potential terrorist target. I have been previously advised by a former high-ranking member of the NSW police service that police intelligence has identified the ammonium nitrate plant on Kooragang Island as a potential, high-value terrorist target. I was also advised by this officer that if an attack was to occur on Kooragang Island that the damage would be immeasurable. He told me, and I quote, "It would take out from Wollongong to Taree."

As far as I am aware there are no substantial, armed security present on the island that would be capable of intercepting or stopping such an attack. The Government stations Australian Protective Service officers at the Lucas Heights Nuclear Facility, so why are we in Newcastle not afforded the same right to safety and security that Sydney residents have? Accordingly, I request that a sufficient number of Australian Protective Service officers be stationed at Kooragang Island permanently to deal with any safety threats that may occur.

Fourthly, I am angry that Orica sought to manipulate the tests by carrying out hexavalent sampling and testing of properties in Stockton many days after the event and after it had rained and washed away most of the evidence. For example, the incident occurred Monday evening, it rained on Tuesday and we had a downpour on Saturday night. On Sunday a test swab was taken from my clothesline. An Orica representative happily informed me that they found no evidence of hexavalent at my property. Well, no surprise there. I am dismayed that New South Wales Health failed in their duty of care to inform residents of all the tests available for hexavalent poisoning. In fact New South Wales Health officials insisted that a specific test, namely the chromium red cell blood test was not available anywhere in New South Wales. That is not correct. I have had this test done.

I feel that the State Liberal Government, New South Wales Health and Orica have let the community down badly in their handling of the incident that occurred on 8 August 2011.

In conclusion, considering the fact that there are ongoing incidents of a serious nature at Orica and

the staggering amounts of ammonia that is released into the atmosphere poisoning our communities on a daily basis, the ultimate resolution would be to shut down the plant permanently and to prevent industries of a similar nature such as Incitec Pivot to ever be established close to residential areas.

Thank you.

CHAIR: Ms Barbara Whitcher, Stockton Community Action Group.

Ms WHITCHER: My name is Barbara Whitcher and I thank you very much for this inquiry. It is very important to local people. I am here as a resident who has lived on Stockton for over 60 years but also as a representative of the Stockton branch of the ALP and as a member for the Stockton Community Action Group.

Stockton residents of long standing were formerly accustomed to pollution because many of us grew up with the BHP right opposite. Despite concerns about the significant effects on employment, many of us were not too unhappy when BHP closed because for a few precious years afterwards we were less affected by massive daily pollution in the air, in our river and on the beach. However, the increase in heavy industry on Kooragang Island soon made us aware that we are residents living close to a ticking time- bomb. If incidents similar to the leaking of chromium VI, arsenic and ammonia from Orica over the last few months continue to occur residents of inner Newcastle, particularly Mayfield, Carrington, Honeysuckle and East End, as well as us, will remain very fearful.

Why did it take so long for Orica and the State Government to inform residents? Not to mention Newcastle City Council, who were not informed, et cetera et cetera, after the incident and again recently with the ammonium leak? Why did Orica not identify the ammonium leak of last week instead of the fire service having to do its job?

The incident of 8 August cannot be seen in isolation because locals have long been suspicious that leaks of dangerous chemicals have been common occurrences. Now we also know that massive amounts of ammonia have been released by Kooragang Orica on a regular basis with more than 90 breaches of its pollution licence in the last ten years. No wonder there are numerous complaints about an increase in breathing difficulties including from my 84-year old mother whose serious chronic asthma turned into lung disease a few years ago.

You will no doubt have been informed of the 2001 massively serious explosion in the French city of Toulouse in the ammonium nitrate plant when 31 people were killed and 2,442 were injured, 74 seriously. We do not want anything like that to occur here. A major concern for Stockton residents is the impossibility of a quick evacuation from this peninsular if a major incident were to occur. Too often in recent times we have had clear examples of how quickly our single road out of the suburb can be clogged.

A recent road accident involving just two vehicles led to Kooragang Island being closed to traffic for six hours and every day there are lengthy delays especially at peak times for traffic to cross via the very inadequate Tourle Street bridge. While many people may argue that Newcastle is an industrial city, and Stockton residents have always known that they live amongst industry, it is possible to utilise Kooragang Island for industry that is not potentially life threatening.

Orica has proven that it is incapable of keeping its workforce and local residents safe. The existing plant is a major worry. Their proposed extension is no less so and we have been recently informed that Incitec is setting out on a plan to build another ammonium nitrate plant. In the past we have been complacent and accepted serious threats to our well-being from industry, but no longer. Thank you.

CHAIR: Ms Sharon Claydon, Councillor Newcastle City Council.

Ms CLAYDON: Thank you, Mr Chair. Thank you to the Committee for this opportunity to address you in your inquiries into the Kooragang Island Orica chemical leak. I would especially like to thank the Committee for taking the time to come to Stockton tonight to hold the hearing here this evening. It is something that is very much appreciated by the community. Unfortunately the terms of reference for the inquiry in the Brendan O'Reilly report did not allow for the opportunity for Stockton residents to talk about their knowledge or experiences at the Orica chemical leak, so this forum is especially welcome this evening.

I have made a written submission to the inquiry for your consideration which details some of the significant problems with the notification process and some consequences of such delayed notification for community health and well-being for Newcastle City Council's role as a local emergency management partner which was severely limited and in this instance by the delayed notification process. There was also a copy of the resolution that was unanimously adopted by Newcastle City Council in response to 8 August release of chromium VI across the Stockton peninsular.

I guess in part if you have not seen that resolution the issues that I particularly draw attention to this evening is council support for Stockton community, calls to have an input into crisis management, emergency response and notification alert systems to better manage any future unlicensed emissions or hazardous events. Council also supported the creation of community right-to-know protocols to better protect public health and the environment and called for a briefing from the Office of Environment and Heritage to talk at a much broader level to on-risk management for the whole of Kooragang Island. That was something which was to extend beyond the Orica incident and something I will come back to this evening.

I have come tonight to just take some time to draw your attention I guess to some of the really serious implications of the delayed notification process putting aside council's own issues and our problems after management disaster plans.

It was the three long days for Stockton residents before they received the health notification which was of particular concern. So we have parents in Stockton unknowingly sending their kids to preschool in the heart of the so-called fallout zone. We had children playing at home and at school in the outdoors and on play equipment that had been fully exposed to the fallout of hexavalent chromium. We had residents drinking water from their tanks, eating vegies from their garden, students from the neighbouring school in Mayfield sending hundreds of kids over here for their annual run and walk around the Stockton peninsular the morning after the hexavalent leak. People delaying reporting their symptoms to their GPs and workers on neighbouring sites of Kooragang Island not knowing to undergo their own medical checks.

All of that because, yes, Orica took 16 hours to notify the relevant authority, but it took another 54 hours for the Government to notify this community. Three really long days of people in very anxious situations and had the data back from public health been more dire than it was then those three days would have been invaluable - could have been proven to be invaluable for Stockton residents.

I can hear the bell so I guess I would like to just round-up with six very quick observations. You will of heard tonight there is a profound lack of community trust and confidence now, not only with Orica I would suggest but also in the environmental regulator, which as you have heard is really able to police a number of long history of breaches from Orica. There is obviously a need and a call for open, transparent, publicly accessible, 24/7 air and water quality monitoring. And I stress the water, I know there has been a

lot of focus on the air but there are clearly emissions into the Hunter River on a regular basis. We do not want to repeat the mistakes of BHP which has just spent over \$405 million cleaning up their mess from 85 years of steelmaking on the Mayfield site. There is a clear need for ongoing health studies in the long term in this area and I fully endorse the call for a health register. We in this region have already the highest asthma risk and we now have what optometrists are calling the Newcastle eye.

So the other final three points is the need for the alert and notification system, a thorough risk analysis of all industrial activities on Kooragang Island and the port of Newcastle, not just Orica. And to look at the cumulative health and safety impacts of that industrial activity. I would also fully support the introduction of a Kooragang Island reference panel comprising all the industry players plus representatives from the community including at least one from Stockton. I know my time has expired so thank you very much.

CHAIR: Mr Shane Gately, Stockton resident.

Mr GATELY: Good evening, Shane Gately resident of Stockton. I would like to thank you all for taking the time to be here and I also thank everybody behind me, the residents, for taking time to come and speak.

I live in King Street here in Stockton. I have a young family, a son that was six months old at the time of the incident. As with everybody else, we were told absolutely nothing. There was some word around that something had happened. Various people when you live here in Stockton - it is a small community and people speak to one another. It was three days until we knew what had happened. The frustration and anxiety in that time I just cannot stress to you when you have a six-month old son, what that is like. We had clothes on the line and we had our son playing in the background and we had no idea what was the right thing to do, what is the wrong thing to do. As a father you try to do the right thing by your family. There was no information available to make those decisions. Living in a developed world you would think that sort of information you could look to your local government and your state government to provide you with that information and unfortunately that information was not forthcoming.

I guess also there was a perception, and probably rightly so, by the community that the testing that was done by the Department of Health sometime after the incident occurred was not a representative sample of what had actually happened because of the amount of time that had actually passed. There was some information put out to the community by Orica which was very targeted again for people like myself who lived at King Street, which is outside of the dump zone or whatever you want to call it, we received nothing. We did not receive anything in our letter box. We did not receive a knock on the door. We received nothing. We had to be proactive to seek information from Orica and that was difficult.

The information we got from the Department of Health, as I said, took some time. So some of the snooping around that I have done, I am amazed that there is some 40,000 people that live quite close to what must be a major hazards facility here on Kooragang Island and yet there seems to be no effective disaster management plan for those people if there was an incident.

For the people here on Stockton peninsular there is one road in and out. And it has been mentioned previously if there is a major incident we are isolated. There is nothing in place at this stage for us to know what to do if there is a major incident on that island.

In 2005 Orica conducted a catalyst change out on the plant, which is in the same area where this incident occurred. In 2005 there was an incident which resulted in a large release of hexavalent chromium into the Hunter River for which the company was fined. That prompted the company to review their

procedures and change their process. 2011, the next time that Orica has the opportunity to do a catalyst change out, instead of that being dumped into the Hunter River, which is not acceptable, instead it sprayed into the atmosphere and across the people of Stockton peninsular. They did not make things better, they made things worse. How could we as a community have faith that these people are doing the right thing by us? Their runs on the board aren't that good. Some of the information that has come out recently in regards to the ammonia discharges that are happening, some of the fugitive emissions which are unlicensed and to my understanding is self-reported. Okay. So those emissions could be far greater or far greater than what Orica is choosing to report.

There has some exorbitant 69 tons of fugitive emissions in the last 12 months. You know? 481,000 licensed kilos of ammonia that have been released into the atmosphere. Now when this company can release 900 kilos into the atmosphere and the only way they know about it is when two people are hospitalised, what happens when the wind is blowing from the west and it is blowing over the people of Stockton? How do they then find out, that there is 100 people in hospital?

You know? Ammonia poisoning is acute and instantaneous. How are we to know? There is nothing in place and in today's world it is just not good enough.

I honestly feel that Orica has shown contempt to this community. I would expect at the moment that they would be hyper vigilant in order to regain our trust. This release of ammonia recently just shows that they do not have the level of concern that they should be having for us. Thank you for your time.

CHAIR: Mr John Hayes, convenor Correct Planning and Consultation for Mayfield Group.

Mr HAYES: Thank you, Mr Chair, and thank you, members, for coming to Newcastle. Correct Planning and Consultation for Mayfield Group is the name of our group and, by gee, we are needed because there is not much planning and there is not much consultation going on. You have seen it here with a matter which is directly under your terms of reference. At the moment our group has about 600 members. We have public meetings. We had a public meeting a couple of weeks ago with about 200 people there. We heard a harrowing tale from a Stockton resident about his grandchildren visiting the day after the chromium VI leak. He was belting himself up because he lived in Stockton and his grandchildren were visiting him. Now that is just wrong. He should not be belting himself up. The Government, the bureaucrats, the people that are putting the poison in the air, they should be belting themselves up. Not the residents of Stockton or just the residents of Mayfield.

I have a map here, I did not know how many of you were going to be here but I can it available to your assistants so they could copy it. Mayfield is only a few hundred yards in the other direction, so we are all prisoners to the wind. You know? This day it is a westerly, the next day it is a northeaster, the next day it is something else. Last week when they let nearly a tonne go, two people had to go screaming and clutching at their throats in Mayfield before anything happened and they are taken by ambulance to the hospital. HAZMAT then came sniffing the wind and came over to Orica knocked on the door and said, "Hey guys you have released 900 kilograms of this stuff. Why don't you turn the bloody plant off?"

I mean it is just ridiculous. So that is a problem. Another problem is a design problem. A design problem that allows any pressure vessel to have on the top of it valves that automatically open to let out whatever is inside the vessel in case the vessel is going to explode. Now it is a good thing that the vessel does not explode, but it is a bad thing that the design is so poor and the regulations are so poor that there is no requirement for what is being released from the pressure vessel to be collected and dealt with. There should be another pressure vessel on the other side of the release valve and until the engineering is done, until the design is done, Orica and other organisations that allow poison to go into the air just because

there was a build-up of pressure in the pressure vessel. They should be put out of business. It is not just good enough.

A couple of things to think of: I was told the other day by a very wise man that Mr DuPont who was very rich and owned a very big explosives factory. He used to live alongside his explosives factory and they had a wonderful safety record. Perhaps the rules should be that the chief executives, the chief safety officer, the chief environmental people involved with these businesses live on-site with their families.

We hear that people with young children are really concerned. They have got bad lungs or precious lungs, not developed, precious airways not developed. They are so susceptible to this stuff. Maybe Mr Liebelt who is the CEO and who gets \$7 million a year and who lives in Melbourne, maybe if he lived on Kooragang things might be a bit different. We sent him an email today telling him or asking him to come up and take a personal interest in this matter. All he has done so far is put out a six or seven word apology. I do not know what his staff have done but all he has done is put out a six or seven word apology. It is not good enough. Why isn't he here tonight? These are really serious issues.

Now you also know about the explosion in Toulouse. That happened in 2001. That plant was about a third of the size of what is here on Kooragang. When Toulouse exploded in 2001 the explosion registered on the Richter scale at 3.4. So to have something three times the size of the explosion, here what is it going to register at? Five or six? Who is going to be killed? Who is going to be injured? What are people doing about it?

So you, ladies and gentlemen, have a really big responsibility to take back to the Parliament the need to get these things under control. For 60 years or so on the altar of employment businesses have been allowed to do pretty much whatever they like. In 2011 that has got to change. What we need now are industries that are safe, industries that do not pollute, industries that are renewable and industries that will make gainful employment and if the businesses that are going at the moment do not fit those characteristics, they have got to close.

CHAIR: Ms Lyn Kilby representative for Great Lifestyle of Wickham

Ms KILBY: And also Throsby community villages were there, there are five of them, and also I facilitate with a lot of the LGA community groups across Newcastle.

In speaking with Orica the other day it became apparent that they were dumbfounded in the sense that they were being asked: Well, how was it you were in a position and had no idea that that happened? And also that they did not have any form of emergency plan in place. Now not too far a distance from where the men were suffering respiratory problems, there is a school. There is also five schools in that locality as well as aged care facilities, sporting ovals, which we mentioned earlier, as well as swimming pools. We have some of the best beaches in the world in Newcastle.

Now if we do not get it under control it is okay to say, well, we will fix it in the future. The problem is now. There is no management plan, critical incident plan. Orica said: Oh, we started to look at the critical incident plan on Monday. And we said to them: What did you think would happen with the primary school students? Do you have any regard to the population that are captured in large areas? And they said: Take that point down. I couldn't believe it.

So the technology is archaic. These stacks, the three of them, go 64 metres in the air. This is a

Newcastle problem. If the stuff billows out it is old technology in the machinery in there. They cannot fix it. They cannot afford it and probably do not want to, so what do we do now? It is a mess. Not only this and Mike very gallantly added this is a problem. This port is going to double in size. Everybody beats every citizen of this city over the head about the fact that this port is going to double. You know what, you cannot get in the room with anyone to talk about the planning of this port and if you have something to say you are told you have too much to say. Don't you ever shut up?

How are we going to cope with the doubling of the port in the sense that the industry is going to double and we have got an existing old technology and they cannot afford to fix it or do not want to. That is another point.

Not only that, I asked about the men who worked at Orica. We have one road out. A lady earlier, Vicki, talked about a single motor bike and a motor car accident. Do you know that stopped the whole area from Raymond Terrace, Maitland, over the other side of the F3 and no one went to work, not for two hours. At least three quarters of the day. So what do we do about that?

In a sense that tonnage goes out and this plant probably will not open for quite some time. But we are doubling the port, doubling the harbour size. We have no plan. We have no infrastructure for a road. All the young men come here to work and cannot get out. They have mentioned terrorism and all the rest of it. We have no critical incident plans for primary schools. Do you know probably because those kids were in class no one was affected, because it happened when they were in class.

Do you know in the Victorian fires what was the great saviour of those places down there - they did not have critical incident plans either - what saved them was a weekend. The kids were not at school and they were not at the pool, they were not on the sporting oval. We have got to do something. So how do we fix the roads so people can get out quickly? How do we protect the kids and how do we protect Newcastle and those magnificent beaches? Because if we have a big incident there will be no one coming to have a swim and do you know what, everybody will still take the coal out of the Hunter and make billions of dollars and we get nothing in this city. It is a disgrace on both levels of government.

CHAIR: Mr Keith Craig from the Stockton Community Action Group.

Mr CRAIG: Thank you. I am here today to respond as a resident of Stockton Community Action Group. Firstly, just a direct effect on our family for this leak and ongoing failures has prevented our son and daughter-in-law who live in Sydney to bring our new granddaughter to Stockton. It is a concern for safety which is very sad for my wife and myself.

The community scenario is a time bomb for the city of Newcastle.

Just to reiterate on the Toulouse accident in 2001, the raw material came in contact with chromium nitrate. This resulted in 31 people dead, 2,442 people severely injured, 8,000 injured. Steel girders were found three kilometres away. The blast was 3.4 on the Richter scale. It was estimated the equivalent of between 20-40 tons of TNT being used. The explosion was heard 80 kilometres away. Two thirds of the city windows were shattered with a population of 400,000 people - 40,000 people were not located for several days and the buildings two or three kilometres away had to be demolished.

This is not the appropriate time for a chemical plant to be in the middle of Newcastle which is just kilometres away from residents.

The committee is concerned that the Orica expansion was not properly assessed in relation to

dangers or explosions, toxic substances being emitted were inappropriate or missing for this project. The expansion of EIS and the project approval for Orica in light of the Orica incident should be reassessed with independent review of the modelling work and emission levels should be set for NO₂ and PM_{2.5} and PM₁₀ particles, which is missing from the expansion approval.

What also needs to be looked at is the difference between what is in the Newcastle City Council emergency response plan and the Orica safety case with WorkCover and a closer look at the risk assessment that was done as part of the Orica upgrade and how that compares with the WorkCover case. If necessary to then look at using the provisions of the Trade Practices Act to question that the approval was lawful.

The community is concerned there are no pollution limits for Orica's NO₂ and PM_{2.5} and PM₁₀ particles for Orica's existing plant. There should be limits and existing NO₂ levels seem high with very high limits during plant start-ups after shutdowns being allowed several times a year.

The community wants continuous improvement in pollution levels. The levels should be well below the standards and improving. The OEH position is there should be no increase in pollution levels from new projects on Kooragang Island. The Newcastle City Council planning document for Kooragang Island's position is there should be increase in pollution levels for new projects on Kooragang Island (1992 document). However, the Department of Planning rules are there are to be no extra excesses of health rules for new projects. That allows new projects to increase pollution levels to communities. This is not acceptable to local communities surrounding Kooragang Island and it is against the OEH's decision and the Newcastle City Council's planning document for Kooragang Island.

This is a major concern to residents and the Department of Planning's position should be the same as OEH and NCC with no extra pollution levels for new projects. As well existing projects should be improving pollution levels with new projects. As well existing plants should be improving pollution levels using continuous improvement.

The community is concerned that the Department of Planning is not rigorous and effective in assessing the cumulative effects of new projects. The community is happy to see clean and sustainable industries on Kooragang Island that do not add to the pollution levels.

There is a major concern with the number of project proposals for Kooragang Island. There is an Incitec proposal for another ammonium nitrate plant adjacent to Orica on Kooragang Island to produce material for the explosives industry and some fertiliser. This is the same technologies as the Orica plant except they will import ammonia. This increases the risks and area affected if an explosion occurs with more highly oxidative ammonium nitrate stored on site close to Orica's existing stockpiles.

The ammonium nitrate plant explosion in Toulouse as described previously should be a sober lesson that such plants are not to be located close to communities. The proposed Incitec plant will increase levels of NO_x and NO₂ pollution and levels of fine dangerous particles of PM_{2.5} and PM₁₀ with cumulative effects from the Orica plant. Locating such a plant within one kilometre from the community is not acceptable. There is a strong community objection to this project and coming after the Orica incident is a slap in the face to the community.

The T4 project for coal expansion, the PWCS coal storage and loading expansion by PWCS on Kooragang Island, this project will increase levels of fine PM_{2.5} and PM₁₀ particles from coal dust and increased shipping and train movements. The Community wants these new stockpiles covered as has occurred in some European, Asian countries and the US to eliminate fine coal dust and installation of

high-wind fences to prevent dust emissions on existing stockpiles. Also it is apparent there is no health risk study planned as part of this project submission which should be carried out. We want world's best practice.

There has also been no health study plan for the expansion for that project. The proposed LNG plant on Kooragang Island again will lead to NO_x, NO₂, PM 2.5 and PM10 particles, SO_x and VOCs with the plant located less than one kilometre from the community next to the explosive plant. This is not acceptable to the community. They cannot believe this sort of development could be considered.

Again we have a grain terminal being proposed, despite the possible effects on the Stockton community there has been no community consultation for this project with the Stockton community. Again the community is dismayed in the absence of a port master plan, as mentioned before.

How can the community address the impacts, and there are many, of individual development applications on the surrounding environment? Thank you.

CHAIR: Mr Gavin Talbot, Resident and Stockton Parish Priest

Mr TALBOT: Members of the Committee, thank you. I just wanted to raise a couple of issues. Firstly, all the testing that was done was flawed. It was all controlled by Orica. I spoke to EPA testers, representatives of the EPA, independent testers and everything was based around Orica's model of what happened on the night. That was based on weather predictions, not maybe what actually happened on the night. It also was flawed as seen. Managers from Orica on the night said the model was not perfect, but yet the whole testing was only done on the northern end of Stockton because that was Orica's model. There was no testing done on the southern end, which I think for any control purposes at least should have happened.

The other point that I want to make is the long-term effects we do not know. When asked at a couple of meetings what they should do the residents were told to register with the local doctors any problems that they may have. They forget that if you can get into the local doctor with a two or three week delay in an appointment then you can see them. Any resident that has arrived in the last three years probably cannot get into the local doctor, has to see a doctor over in town.

I might be getting cynical in the reports that I have heard, maybe it is my old age, but I get the impression that all the things that we are looking at are procedures to deal with incidents, not the fact that we should be stopping the incidents to start with. I happened to be at Old Bar when there was an incident up there where the plane went into the ferris wheel where there is one road in and one road out and worked with the police at that incident and I can see the difficulties we would again have in Stockton with one road in and one road out. There needs to be some arrangements made and especially for our emergency services for what they do. They need the back up and they need opportunities to be able to get into Stockton and to deal with emergencies.

CHAIR: Thank you, Mr Talbot. That brings us to the end of preregistered business tonight. Now that the audience has heard those residents speak I would like to give anyone who maybe on second thoughts would like to get up and say a few words. It does not have to be five minutes, but when you do can you please identify yourself for the record.

Mr TODHUNTER: Look, I am a resident of Stockton. My name is Bill Todhunter. I live in Rams Avenue on the northern side of (inaudible). I have attended many a council forum meetings over here before they closed it down and I have always expressed the fact that we need a total monitoring of

Kooragang, not just Orica.

I express all their (inaudible) of previous speakers in regard to Orica. I have attended all their meetings at Stockton here in regards to what they are dealing with the matter. But I think the main problem - it is not the residents - and Mayfield and Carrington is the combined problem we have with Kooragang. I heard on Friday our minister, our State minister, is refusing to put a dust monitor in Newcastle and Stockton and I cannot understand why. The main problem with pollution in Stockton and Mayfield is it is always dusty and accompanying that dust is a problem with what is in that dust.

We have a problem with gasses. Yes. We are going to have NLG. They are starting up shortly. I went to a meeting with Incitec the other day. They are going to build another ammonia sulphate plant. It is very concerning what is happening. If we have not got monitors on Stockton we do not know and you people do not know what is happening in Stockton apart from the fact that what has happened after the incident. That is all I have to say. Thank you.

Mr GIBLIN: A lot of people have been talking about the timing gap between the incident and when the residents were notified. I definitely agree with that. It was shocking having a six-month old baby myself, first time being a father, I was definitely scared and asked myself have I made the right decision in moving my family from Sydney up here because of employment opportunities. That is something I think about every night.

But the timing does not reduce the risk. It is not a cure. A lot of people talk about the accident on Kooragang recently. I was two hours late for work that day. If my wife and I were notified immediately of an incident that happened on Kooragang, we would get stuck in the traffic trying to get back here to pick our son up from the preschool, so that would only make the issue worse. What we really have to be asking ourselves, and I think what the New South Wales Parliament has to ask itself, what the safe distance an ammonia nitrate plant should be from residential zoning.

If we were looking at that question and I think everyone in the Committee should ask themselves: What is world's best practice for this? We are one of the richest nations in the world. Hopefully New South Wales is one of the best States in Australia so we should be setting the benchmark. Once we have answered that question then we can have a look, should Orica operate where it is, does it need to be relocated or should it be closed altogether.

Where it is currently located I believe there is a huge amount of risk to Government and to Orica itself in regards to future legal action because we do not know what the long-term outcomes of the pollution that the residents of Newcastle are currently breathing every day.

There has been talk in the media about employment opportunities. I think we should recognise that Orica has a very large site but does only employ a few hundred people. The employment density there is quite low and there is opportunities for the Newcastle community to improve that. Personally I would like to see a renewable energy precinct so we can allow ourselves with the economies of the future and create more employment for the future.

That is what we really have to ask ourselves. In years to come will there be documentaries made about what happened here today and the decisions that were made for the future. I think of it as a point with my six-month son, will he thank me for all the decisions about this or is there going to be consequences for him. Thank you.

Ms NEWLING: My name is Lesley Newling and I am a resident of Stockton. I have been going

to a number of meetings with Orica. Orica class many accidents three ways, one of which is on-site, they take care of it. Two others when it is off-site, then they think we will let people know. Was the ammonia leak, I would like the inquiry to find out, whether the last incident was an on-site accident that they did not have to in their minds inform anyone. No one has said anything about that. They have a very broad spectrum of how they class an incident where authorities have to be informed. That has to be looked at. They should not be able to make up their own mind whether or not an incident is serious enough or reportable.

Now the other thing that is very noticeable in the last week since Orica has been shut down is the lack of noise. Has anyone opened their windows? People are saying they are opening bedroom windows for the first time. That in this day and age is criminal. Now Orica is responsible for this. They are responsible for noise. They are responsible for pollution. It should stop and I hope this inquiry really takes to heart what people in all of this area are saying. Let's shut them down once and for all.

Mr McMASTER: My name is Alan McMaster. I am a resident in Stockton. I moved here about ten years ago because a company known as BHP had closed down. It was my belief that most of the pollution in Newcastle had disappeared. I just cannot believe that we are actually in a meeting today discussing these industries that are currently operating over on the island that are taking us back to those draconian days. So I do not think I really need to say much more than that other than I thought when BHP went we were going to have a really fantastic Newcastle city. To me it seems that Newcastle all of a sudden just has got a big black cloud over the top of it. If you go over to the main part of the city it used to be a really vibrant area. It is virtually dead. If you have a look at Stockton it has really started to pump in the last ten years. This cloud here once again is going to slow it down.

I just do not know why we get rid of one industry that was polluting the place and we are still under that load to some degree, trying to clean-up the mess that was left behind now and now governments are encouraging more of the same to come back and start developing on the island. Now we want to grow. Thanks very much.

Ms DEACON: My name is Vera Deacon. I have lived in Stockton for just over 14 years. I came to live there because I was reared on the islands on the Hunter River, on Dempsey and Mosquito Islands which are now part of Kooragang going westward from Walsh Point, the man-made Walsh Island.

I did not intend to speak but I have been inspired by the wisdom and the determination of the people speaking in this hall and I thank them.

My main feeling is the cumulative effects of all this stuff that is going into the air and into the river. I rang an old fisherman friend of mine who is 86 and knows the river back the front and he says: "I was up the river the other day" - and this is just before 8 August incident. He said: "There was something streaming into the river, a lot of white stuff from Orica. I wondered what it was." He did not know. And neither do I.

My father said to me in 1931 when I was five years of age and he looked across the river to the steelworks because he was opening fish up to smoke so we would have food during the later months when fish were scarce. They were full of tar and they were coming from the tar works and the industry across the river and that is when he said: "They are killing the river."

They went on killing and poisoning the river and the air. Now Dempsey Island is the portion of Kooragang today where those new coal loaders are being built and when the north-west wind blows we cop it. When the northeasters blow the other suburbs, Mayfield and Carrington, they cop it.

Now about Orica. The hexavalent chromium, I got stuff from the internet from some Australian survey and they say that this chromium stuff does permeate down into the ground and into the water table and into the river and the fish and it does build up. I would like clarification on that because we have a lot of accumulated effects on all of this stuff and human health is affected. It is rather appalling in this age when in the past BHP has spent millions of dollars to clean up the river bed and also their site. They are digging it all up and enclosing it and then placing it on the so-called emplacement cell of Kooragang Island on the south-east portion of what was Ash Island.

Now I know the river and the islands very well. Mosquito Island is the roundabout when you come along South Arm of Cormorant Road to a road leading out to Mosquito Island point where we used to run down and play on the sand and wave to the blokes at the BHP and watch the ore ships. It was part of our life. We accepted a lot of it, except my mother when the south easterlies came and the smoke from the works filthied her washing. Well, Stockton knows all about that too.

So I appeal to the Committee here to take on board everything that has been said here because we have a long history, a very long history. I do honestly consider that what is being done to the Hunter River estuary is a crime against the earth and we as human beings who have the capacity to control our destiny and where we are going, we really need to look at it. We cannot go on like this.

My father reared me to believe - he was a gardener and a fisherman and a BHP worker - that what you took from the earth when you were gardening you had to put back, in short organic gardening. We are ripping it out and not putting much back. We are taking it out and we are destroying it and when we destroy the earth and the rivers we destroy ourselves.

Ms KILBY: Can I say just something? When you call the EPA, and I had to do that on the weekend, you really feel you are going into the never never. In the sense they said: "Oh, no, that will be a WorkCover thing. WorkCover will ring you back." It doesn't happen. Trying to talk to the EPA under their current telephone system does not give you any confidence. It does not help. You do not feel safe and you certainly do not feel you can deliver the information adequately to get an adequate response.

CHAIR: I would like to thank you all very, very much for coming tonight and taking some time to talk to Committee in the forum. Especially those of you that shared your personal stories and the effects of this unfortunate incident on your lives. I would particularly like to thank the people who actually got up to make a statement, especially those who did on the spur of the moment. Very well done.

We look forward to considering your views as we move through this process of taking evidence and reviewing the submissions that have been made to the Committee and look forward to making positive recommendations and positive changes in the future.

(The forum adjourned at 6.45 p.m.)